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**JAN 24 2006**

**OFFICE OF PETITIONS**

In re Application of :  
Boies et al. : DECISION ON PETITION TO  
Application No. 09/884,580 : WITHDRAW HOLDING OF  
Filed: 19 June, 2001 : ABANDONMENT  
Atty Docket No. YOR920000496US1 :

This is a decision on the petition filed on 12 August, 2005, to withdraw the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

The application was held abandoned for failure to timely respond to the non-final Office action mailed on 9 December, 2004. Notice of Abandonment was mailed on 29 June, 2005.

Petitioners again assert that an amendment was timely filed. In support, petitioner has supplied a copy of an amendment, the first page of which contains a Certificate of Facsimile Transmission dated 9 March, 2005.

Any petition to withdraw the holding of abandonment based on a Certificate of Transmission by facsimile must include the following requirements:

- (1) A copy of the original response bearing a signed Certificate of Transmission which includes the date of signing; and
- (2) A statement under 37 CFR 1.8(b)(3) attesting to the personal knowledge of transmitting the **original** response on the date indicated on the Certificate of Transmission (see 37 CFR 1.8 and MPEP 512).

The petition lacks item (2) above. Petitioners should supply a statement by the individual who signed the Certificate of Transmission.

Any request for reconsideration must be filed within **TWO MONTHS** of the date of this decision. **This period may not be extended.**<sup>1</sup>

The address in the petition is different than the correspondence address. A courtesy copy of this decision is being forwarded to the address in the petition. All future correspondence will be mailed solely to the address of record.

Further correspondence with respect to this matter should be addressed as follows:

By mail:           Mail Stop Petition  
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By FAX:           (571) 273-8300  
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By hand:          Customer Service Window  
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                  401 Dulany Street  
                  Alexandria, VA 22314

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.



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Senior Petitions Attorney  
Office of Petitions

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<sup>1</sup> 37 CFR 1.181(f).